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## NEGOTIABLE PAPER ACT

New Law in Effect Relating to Commercial Papers

Mississippi's new negotiable instruments act went into effect July 6, and is now a part and parcel of the laws of the commonwealth.

The new chapter on negotiable instruments, one of the longest enacted at the recent legislative session, makes some radical changes in the old laws applicable to commercial paper.

For instance, here's something that will be sad news to the fellows who are not prompt in meeting their notes on the date when due:

Suppose you owe Bill Smith \$100, and have given your note in payment for same, payable at some designated bank.

If Bill knows you have money on deposit in the bank he's not going to worry about whether you are going to pay that \$100 note. Not a bit of it. Bill will simply take that note to the bank and have it cashed, just like it was a check. The bank is compelled to pay it out of the funds you have on deposit, providing they are sufficient to cancel the principal and interest.

Another effect of the new law will be to require banking institutions to close at the noon hour on Saturday.

The negotiable instruments act was framed by State Senator Murray of Warren county. Its purpose is to make the Mississippi laws relative to all forms of commercial paper conform to the uniform negotiable instruments statutes of other states. All states in the Union, with but two or three exceptions, have enacted this law.

Here are some of the provisions of the new law that should be carefully studied by all business men:

"Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls on Sunday or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due or becoming payable on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may at the option of the holder, be presented before 12 o'clock noon on Saturday when that entire day is not a holiday."

"An instrument is payable on demand where it is expressed to be payable on demand, or at sight, or on presentation, or in which no time for payment is expressed."

Notes do not bear three days of grace. Sight and demand drafts may not be accepted as formerly; they will bear only such grace as they specify, for example, "One day after sight," or "At three days sight." When a draft is payable after sight or a note falls due on Sunday or a holiday it is payable on the next business day following; and when due on Saturday the payer has the option of deferring payment until Monday (or, if Monday is a holiday until the next business day following), but this option in regard to paper maturing on Saturday does not apply to demand drafts presented before 12 o'clock that day.

"The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill (of exchange), but the acceptance if given dates as of the day of presentment."

This applies to drafts payable after sight, not to drafts payable on demand. If the draft is presented on the 8th of the month, say, the person on whom it is drawn may wait until the 9th to decide whether he will accept it, but if he accepts it after this delay his acceptance must be dated as the 8th.

"Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon."

That is, if a person signs a note in favor of another person (or a firm or organization) and makes it payable at the bank where he keeps his account, the holder of the note may present it at the bank named on due date and if the person who signed the note

has sufficient funds and has not given a stop-payment order the bank must pay the note and charge it to his (the signer's) account, and is not required to obtain his consent before doing so.

"Where the instrument contains or the person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized, but the mere addition of words describing him as agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability."

A bona fide agent or representative is not personally liable on an instrument he signs, but if a person signs as agent in an attempt to evade personal liability and can not prove that he signed for a principal under due authority, he is personally liable.

"Where an instrument containing the words 'I promise to pay' is signed by two or more persons, they are deemed to be jointly and severally liable thereon."

"An accommodation party is one who has signed the instrument as maker, drawer, acceptor or endorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party."

"Where there is a conflict between the written and printed provisions of the instrument the written provisions prevail."

"Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain references may be had to the figures to fix the amount."

### Came Law To Be Referred

Secretary of State J. W. Power has issued a proclamation declaring the petition to refer the Richardson game and fish law to the people for ratification or rejection, under the initiative and referendum amendment to the State Constitution, to be sufficient, and calling attention to the fact that it is held in abeyance until the general election in November.

The secretary of state would have taken the same action on the petitions to refer the Weakley quart-at-a-time whiskey bill, and the anti-advertising law prohibiting the advertising of beer and whiskey, but for the fact that prohibition leaders obtained an injunction against his doing so at this time.

However, it is asserted that if the petitions on one law hold good they necessarily must be valid as to other laws, and if the prohibitionists succeed in knocking out the initiative and referendum amendment it would affect the game law just as any other.

It became known recently that before the legislators inserted into the constitution the initiative and referendum amendment they consulted the highest authorities in the state regarding the question of the legality of its adoption by the people, and all authorities held that unquestionably the people had voted to provide a means whereby they could ratify or reject any statute passed at the session of the legislature inserting the amendment, or thereafter.

It is claimed that the whole purpose of the prohibitionists in swearing out the injunction was to keep the voters from expressing themselves at the polls on the subject of drastic and what many people claim is discriminatory legislation. However, steps will be taken at once to have the injunction considered utterly worthless, by lawyers of note, dissolved, when the secretary of state probably will issue proclamations calling for a vote of the people on the measures.

Neglected adenoids and defective teeth in childhood menace adult health?

### Sedentary habits shorten life?

Queer, isn't it, that the wolf at the door never yet howled loud enough to frighten away the stork?

## The Submarine Merchantman

Arrival at Baltimore of the submarine "merchantman" Deutschland, from Bremen, scores another victory for German ingenuity and resourcefulness. More than a month ago reports were published on both sides of the Atlantic that Germany was planning to send a submarine cargo boat to America and that the vessel would reach an American port during the early part of July. It develops that the Deutschland cleared from Bremen on June 14 last, but spent some days at Helgoland awaiting a favorable chance to "run" the Allied blockade. The transoceanic voyage consumed only about sixteen days and was made with comparative ease and safety, notwithstanding the fore-notices published in enemy and neutral newspapers.

The Deutschland is said to be laden with dyestuffs, conservatively valued at \$3,000,000. She will take out nickel and crude rubber, the outbound cargo having been stored in Baltimore warehouses to await her arrival. For reasons readily understood, no "sailing date" has been announced. Now that the Allied blockaders and patrols have learned the whereabouts of this novel "merchantman," the return voyage will be more difficult than the voyage across, and the Deutschland's skipper will naturally keep the hour of his departure a profound secret.

The Deutschland's arrival may be welcomed by Americans for two reasons. It gives us opportunity to demonstrate that our markets are open to all comers, and it affords indirect but positive assurance that the German babies are not, after all, suffering awful privation and hardship by the rigors of a blockade which cuts off their milk supply. The appeal in behalf of the German babies touched many American hearts and was very industriously circulated the country over. With the announcement from Baltimore that the submarine cargo boat will load for Bremen not milk, but nickel and crude rubber, comes a dispatch from Washington transmitting an official report from the American embassy at Berlin, which denies positively that the German children "are starving because of lack of milk and other nutritive foods." On the contrary, the report declares, German children "have presented during recent months a condition of health and a reduction in death rate not present since the beginning of the war."—Times-Picayune.

### Some Wilson Advantages

The administration has the advantage over its opponents of a record of practical conduct and effort to point to. It has had a heavy responsibility in a critical period, and on the whole has borne it with marked success considering its difficulties. It is altogether doubtful whether any other man at the head of the government with a cabinet of his own choice, would have done better or been subject to less criticism than President Wilson. Much stress is probably laid upon service in behalf of peace, while the blood of the people was stirred by the excitement of war and the possibility of entanglement with the belligerents whose activity necessarily interfered with neutral rights and obligations. The diplomatic record of the administration in this severe and prolonged exigency has been such as to command confidence. This should not be treated as in any sense a partisan matter, but can hardly be helped being weighed in favor of the administration with thinking people, and with those who are instinctively in favor of fair judgment. The opponents of the administration would do well not to underestimate the advantage of this to the party in power. It will be difficult to offer convincing reasons for a change, and there will be a feeling averse to shifting to a new course not tested by experience.—New York Journal of Commerce.

## Russia Revives

A year ago the Russian armies were reeling back across Galicia, across Poland, across Courland and Lithuania, broken and beaten by the tremendous artillery assaults of Mackensen and Hindenburg. One by one the fortresses they held were captured—Przemysl, Lemberg, Warsaw, Novogeorgievsk, Ivanogorod, Grodno, Kovno, Brest-Litovsk, Vilna. Their retreat was skillful; the armies of the Grand Duke were never crushed or forced to surrender; but a good many persons believed their defeat to be so complete that they would not be able to undertake another formidable offensive. But within the year the armies have been rebuilt from the inexhaustible reserves of Russia, guns and ammunition have been found in sufficient quantity—and the Russians are again advancing.

If we are to believe the reports that come from Petrograd, the Russian drive in Volhynia and Bukovina took in a fortnight more prisoners than the Germans took in a corresponding period of their drive last summer and as much spoil. Lutsck, Dubno and Czernowitz fell. The Austrian line, which had apparently been seriously weakened to carry on the offensive against Italy and to support the German campaign at Verdun, was crumpled at several points by General Brusiloff's attacks, Germany had once more to send help to its ally at a time when it needed all its strength elsewhere. The Austrian offense against Italy stopped. Again Russia had

come to the relief of its western Allies, as it came when the German armies were striking hard at Paris in August, two years ago.

By themselves the Russians are not likely to win back all that the Teutons took from them last year. They hope to drive the Austrians back into Galicia, to capture Lemberg and perhaps Przemysl, and thereby to compel the German armies in the north to give ground. But the Austrians and the Germans are probably too well prepared with guns and ammunition to permit Brusiloff to win a victory that will equal that of Mackensen and Hindenburg.

On the other hand, if this advance is only a first step in a coordinated offense on all the Allied fronts, no one can predict what may grow out of it. By the time this is read, it will probably be clear whether it is the opening gun of the great Allied campaign or merely a diversion to relieve the hostile pressure at Verdun and in the Trentino—and to show that the Central Powers have not yet fought their way to such a peace as they desire. In any event it gives impressive evidence of the recuperative power and tremendous resources of the Russian Empire.—Youth's Companion.

### Do You Know It?

Intelligent motherhood conserves the nation's best crop?

Heavy eating like heavy drinking, shortens life?

The registration of sickness is even more important than the registration of deaths?

The U. S. Public Health service co-operates with state and local authorities to improve rural sanitation?

Many a severe cold ends in tuberculosis?

A low infant mortality rate indicates high community intelligence?

Both of the great parties and their platforms have decided in favor of the appointment of home people in the public service. This has always been a Democratic principle, because in the South at least we have always had an abundant supply of what was then called carpet-baggers, or people imported from other sections of the country who held the public offices. Home rule and home living and the conduct of home affairs by home people is a sentiment which is growing and spreading very rapidly, and it has found expression in both platforms. Bringing people from a distance and giving them appointments in a community is a reflection upon the residents of that community which is unmerited and unjust.—News-Scimitar.

### Tobacco

Tobacco is a harmful weed, the learned physicians are agreed. It stains the teeth and bites the tongue, and injures larynx, heart and lungs, it spoils the whiskers, taints the breath, and sends man to an early death, and when he's laid beneath the sod, the legal lights divide his wad. And yet if this punk weed were barred, we'd find the sledding pretty hard, for in one thing tobacco's blest, is that it soothes the savage breast. And many husbands are serene, who would be quarrelsome and mean, indulging oft in mental gripes, if you should take away their pipes. When I am smoking I'm as mild as any gent that ever smiled, and folks who hear me chirp and bleat, remark, "His temper is so sweet!" But when, impelled by aims sublime, I cut out smoking for a time, I'm sore as any growling bear that mumbles soupbones in its lair, and all the women in the shack are hoping I will soon get back to blowing smoke around my room, e'en though it means an early tomb.—Walt Mason.

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